

Fair tonight; temperature about 18°. Tomorrow fair.

NUMBER 3872.

WASHINGTON, MONDAY EVENING, JANUARY 16, 1905.

TIMES WANT ADS  
BRING RESULTS

PRICE ONE CENT.

## JAP FORCE AFTER COSSACK RAIDERS CUT OFF RETREAT

8,000 Men in Pursuit  
of Russians Under  
Mistchenko.

## GARRISONS RE-ENFORCED

400,000 Soldiers to Be Sent  
to Oyama—50,000  
on Way.

LONDON, Jan. 16.—A dispatch to Lloyds from Yinkow gives further details of the Russian raid led by General Mistchenko.

It is reported that the Russians were cut off on their return by 8,000 Japanese who were sent from Sanlipo by General Oku.

Major Yokura maintained perfect order in Yinkow. The garrisons at Yinkow and Makiatun have been strongly re-enforced.

The dispatch says that on January 12 a Russian flying column, 2,000 men, after attacking old Niuchwang, attacked Makiatun, three miles above Yinkow.

The Russians opened the attack with shrapnel fire at 3 o'clock in the afternoon, and at 8:30 o'clock they made three desperate charges with the object of burning the Japanese re-enforcements.

Japanese re-enforcements arrived from Tashichao, having repaired the railway, which the Russians had broken in two places. The engine drivers displayed great bravery in running their engines under a heavy fire.

## RUSSIANS CAROUSED IN BESIEGED CITY

PORT ARTHUR, Jan. 16.—General Nogi, attended by the staff and divisional commanders and the foreign attaches, yesterday reviewed the detachments of all arms in the square of the New Town, the home of the Russians.

Regimental colors, torn to ribbons by shot, were paraded. It was a stirring martial display.

The generals afterward rode through the town, which shows few signs of bombardment. No casualties occurred among the women and children, who lived in houses throughout the siege, becoming accustomed to the shells.

Plenty to Drink.

Champagne was always obtainable. There was little shortage of champagne, but the soldiers suffered from scurvy owing to the lack of vegetables.

Many of the military officers were useless, applying for leave on days when there were attacks, and leaving the command to sergeants.

The naval and army officers were generally drunk. The whole navy was demoralized by the death of Admiral Madaroff, which produced marked results.

The officers who have surrendered are happy and cheerful. They have received the trustworthiness of the Japanese.

The Peresviet, Poltava, Retvizan, Pobeda, and other ships, who were under the water. They show the effects of the shells exploded during December. They had been ascertained, but it is probably incapable of being repaired.

Bayan Sunk in Harbor.

The Bayan is sunk in the eastern harbor. The Amur is in dry dock.

The naval workshop was completely destroyed by shells.

At a conference held before the capitulation some of the commanders of the forts voted for further resistance, but were overruled by Stessel.

When the news of the capitulation became known the soldiers looted a store containing 5,000 bottles of vodka. There were terrible orgies in the streets. Troops sent to quell the disturbance joined the revelers.

The food supply was sufficient for the army, but there was no meat except the Japanese rationed mules. The steamer King Arthur early in December brought 5,000 sacks of flour. No private stores were commandeered.

## RUSSIAN PROTEST DESPERATE RUSE

MANCHESTER, England, Jan. 16.—The "Guardian" is informed by a well-known member of the diplomatic body that Russia's note to the powers last week, complaining of China's laxity in the matter of neutrality, has set the diplomatic world agog.

What Russia expects to gain by the (Continued on Fifth Page.)

## WEATHER REPORT.

The pressure has fallen throughout the country, except in Florida and the north Pacific coast, and there has been a general rise in temperatures, except in the Atlantic States, although they are still 5 degrees to 25 degrees below the seasonal average east of the Rocky Mountains. West of the Rocky Mountains they are comparatively high, and there have been general rains in the Pacific States and northern plateau. Local snows also continue in the lake region, and there were showers in southern Florida.

The weather will continue fair tonight and Tuesday, except in the middle and eastern lower lake regions, where there will be snow flurries. Temperatures will remain comparatively low, and there will again be freezing temperature tonight along the east Gulf coast and in northern Florida.

THE SUN.  
Sun sets tomorrow.....5:02  
Sun rises tomorrow.....7:11  
TIDE TABLE.  
High tide today.....4:01 a.m.  
Low tide today.....4:55 p.m.  
High tide tomorrow.....4:23 a.m.  
Low tide tomorrow.....5:59 a.m., 11:59 p.m.

## GARFIELD RIDDLES CORPORATION LAW OF THE DISTRICT

Declares Issue of Char-  
ters Amounts to a  
Scandal.

## A NEW STATUTE NEEDED

Commissioner May Be As-  
ked to Frame Bill Sup-  
plying Defects.

James R. Garfield, Commissioner of Corporations, went before the House Committee on the District of Columbia today and pointed out in forceful terms the deficiencies of the laws governing the incorporation of concerns in the District of Columbia.

That a new corporation law be framed for the District of Columbia to serve as a standard for all corporation laws; that the present law be suspended while the new one is being prepared; that the issuance of articles of incorporation in the District be made a source of real revenue, and that the quickest steps possible be taken to check what, "under the present corporation laws, is fast becoming a scandal," were the reforms suggested during the hearing.

The shortcomings of the present law were brought out in addresses before the committee by Mr. Garfield, Recorder of Deeds, F. L. Siddons and E. W. McCormick.

Garfield to Frame Law.

The probable result will be a request to Commissioner Garfield by the committee to frame the desired new law so that it may be passed by Congress next year. It is also a possibility that the present corporation law may be suspended by this Congress.

Commissioner Garfield, in his address, said:

"The principal thing that has attracted my attention in connection with corporation laws in the District of Columbia is that they have forgotten the protection and publicity the people need in dealing with corporations."

The people, he claimed, ought to have more definite information concerning companies' purposes and organizational methods. Then district law ought to make companies explain the essential facts of how, where, and with what means they intend to operate. The lack of this is a weakness in the District of Columbia law.

Secondly, he said, provision ought to be made for the annual returns of the corporations. The terms of such provisions ought to be regulated according to the nature of the concerns incorporated.

"The District law," he asserted emphatically, "ought not to be a mere concern for turning out corporations."

Suspend Present Law.

"Would it not be well," asked Mr. Babcock, "for us to frame as nearly a perfect law for this purpose as possible, and have it as a standard to be referred to as a model for all incorporating laws, and in the meantime, suspend, by a resolution, the operation of the present law?"

Mr. Garfield said it would be "eminently wise" to make such a law and such an arrangement in general.

He thought the taxation feature the consideration in importance among the other considerations.

A tax on gross receipts is, he said, the most feasible and the fairest way of deriving revenue from corporations.

Mr. Cowherd at this point suggested the advisability of the committee requesting in long Commission report to frame a new District corporation law in time to have it pass Congress this session.

Mr. Garfield said he would hardly have time to frame a satisfactory law in so short a time.

Mr. Siddons raised the point that an immediate repeal of the present law would leave the District of Columbia without any corporation law at all. He thought this unwise.

Some of the Facts.

Mr. Siddons, the first speaker, said 221 companies, with a capitalization of over \$2,000,000,000, had been incorporated in the District during the two years ended December 31, 1904, owing to the broad character of the corporation laws in the District of Columbia.

Under present law, he said, there is no way of reaching by the local courts the records of companies organized here and doing business in another part of the country. He thought the law should be amended to remedy this defect.

An amendment, he suggested, should be adopted making the companies keep books and records in the District, and make the importance of making the District incorporation law a really local incorporation law, and check the "trend of pecuniary affairs."

"The present state of affairs," he said, "is giving rise to something approaching a scandal. I do not think the present pending laws go far enough. We want our 'Federal corporation law' revised, and thoroughly gone into."

"Also, we want a larger revenue from incorporating companies. The Recorder of Deeds says the revenue hardly averages \$1 from each of the concerns incorporated. The main point, however, is to localize our corporation law."

"We must make the District of Columbia the habitat of concerns incorporated in the District of Columbia. That there is no way of reaching by the local courts the records of companies organized here and doing business in another part of the country, he thought the law should be amended to remedy this defect."

At this point, Chairman Babcock said: "We must make the District of Columbia the habitat of concerns incorporated in the District of Columbia. That there is no way of reaching by the local courts the records of companies organized here and doing business in another part of the country, he thought the law should be amended to remedy this defect."

Mr. McCormick said he quite agreed with Mr. Siddons in many particulars, but that he differed with him on the points that corporation revenues do not support the incorporating office, and that there is no way of reaching by law the concerns incorporated here but doing business elsewhere.

He said he had incorporated companies.

(Continued on Fifth Page.)

## SUPREME COURT GRANTS SENATOR BURTON RETRIAL

Reverses Decision of  
District Bench of  
St. Louis.

## TRIBUNAL WAS 5 TO 4

Convicted of Acting as Paid  
Attorney at the  
Postoffice.

The United States Supreme Court today reversed the decision of the district court of St. Louis, and granted Senator Joseph R. Burton, of Kansas, a new trial.

The court stood five to four. He was convicted of acting as paid attorney for a get-rich-quick concern before the Postoffice Department, while holding the position of Senator and was sentenced to six months in the Iron county, Mo., jail and to pay a fine of \$2,500.

While waiting the decision of the Supreme Court, he has been out on bond.

Permission for a retrial was based on Judge Adams' refusal to direct a verdict for the defendants on the so-called "check counts," relating to the interchange of checks between the Rialto Grain and Investment Company, Senator Burton and the Riggs Bank, of Washington, D. C.

That the statute prohibiting members of Congress from receiving compensation for appearing before the Government covers the offense charged against Senator Burton, was received by Senators Harlan, Brewer, McKenna, Holmes, and Day—with the Chief Justice, and the three other justices in the negative on that point.

Senator Burton was indicted in February of last year for being connected, as attorney, with the Rialto Grain and Securities Company, of St. Louis, Mo., it being charged that he was employed by that firm at a salary of \$500 a month to represent it before the Postoffice Department from issuing a fraud order against the St. Louis firm.

The case came to trial before the Federal court at St. Louis in March, Justice Elmer C. Adams, the district judge, sitting. United States Attorney David P. Dyer represented the Government, while Senator Burton was represented by Chester I. Krum and Charles W. Lehman. The jury, after being out ten hours, brought in a verdict of guilty.

Senator Burton was sentenced to serve six months in the penitentiary and fined \$2,500.

Senator Burton admitted that he received money from the Rialto Grain and Securities Company, but said the fees were paid him as an attorney, and not for the use of influence as a United States Senator. In answer to an appeal there were three counts.

First, that he was tried while Congress was in session; second, that the money he had taken was received in Washington and not in Missouri, and that, therefore, the case was triable in the District of Columbia; and, third, that he had not been allowed a sufficient number of charges.

His Wife With Him.

By the prisoner's side sat his wife, who had entered the court room a moment before the proceedings incident to the passing of sentence upon her husband began.

She, too, was visibly deeply affected, and when judgment was pronounced by the court, quickly left the room to join her husband in his prison cell in the basement of the City Hall.

Watson has been confined in the District jail since his arrest in June, 1903. He was called to trial in May last, but because of the misconduct of one of the jurors, the proceeding was abandoned. He was again put on trial in the early part of last December. The trial, which resulted in his conviction, was not concluded until Friday, January 6 inst.

Under Two Indictments.

Watson was under two indictments, one containing two counts and the other five counts. For the purposes of the trial the two indictments were consolidated and he was found "guilty as indicted."

When court was convened, Assistant District Attorney Charles H. Turner, who with Assistant District Attorney

Strange Crime Believed to Have Been Perpetrated by Secret Society.

ROME, Jan. 16.—A strange crime has been committed at Bergamo.

At a late hour of the night, a horse and trap belonging to Signor Laroupi, a well-known citizen, drew up in front of his house.

On the seat was Signor Laroupi's headless body, with the reins tightly wrapped round the hands.

The crime is believed to have been committed by members of a secret society, among whom Signor Laroupi had enemies.

The head was afterward found in a sack containing Christmas presents, which the murdered man had purchased in a neighboring town earlier in the day.

After decapitating the victim, the murderers had secured the body in the trap and whipped the horse. The animal having frequently traveled by the same road, found its way home.

## GINNERS WILL REPORT ON THE COTTON CROP

DALLAS, Jan. 16.—In an open letter to the cotton ginner of the Southern States, J. A. Taylor, president of the National Ginners' Association, has announced that the association will issue an acreage report about April 15, and, if the members desire, a condition report in June, July, and August.

In the fall it will get out a report twice a month and to the number of bales ginned, using the same dates as the Government.

## WANT DEEP-WATER PORT ON GULF OF MEXICO

SIOUX CITY, Iowa, Jan. 16.—Business men in this city have interested capitalists of Philadelphia and New York in a plan to establish a deep-water harbor on the Gulf of Mexico.

Wharves and terminals will be built at Port Morgan, Ala., and contracts have been made with the Rock Island and Louisville and Nashville to extend the roads to the new port.

## WILL HAVE A NEW TRIAL



SENATOR JOSEPH R. BURTON.  
Supreme Court of the United States Reverses Decision of the District Court of St. Louis.

## WATSON TO SERVE A TEN-YEAR TERM IN PENITENTIARY

Justice Wright Passes Sentence Today Upon Former District Employee Who Embezzled \$73,000.

Charles A. Keigwin, assisted District Attorney Beach, in the prosecution of Watson, informed Justice Wright that Watson was present for the purpose of making his motion for a new trial, and in the event of it being overruled, for sentence.

D. W. Baker, of counsel for the defendant, said the motions for a new trial and in arrest of judgment did not present any new questions and there was no necessity to reiterate arguments already submitted to the court.

Denial of New Trial.

Justice Wright said the questions involved had already been fully presented to and considered by the court and the motions would be overruled. He then asked counsel for the Government which of the indictments for which Watson had been convicted had been returned first. Mr. Turner informed the court that the indictment containing two counts was the first reported.

Justice Wright then directed Watson to stand and say if he had anything to say why sentence should not be inflicted. The prisoner said he had not.

Five Years on Each Count.

Continuing, Justice Wright said he had no doubt the defendant had severely suffered the keenest punishment which could be suffered by him, and sentenced him to five years' imprisonment in the penitentiary on each of the two counts in the first indictment.

In presenting Watson to the court for sentence, Mr. Turner referred to the fact that when a boy the prisoner had been sent to the Reform School for forgery. He also said his crime against the District was most deliberate and continuous, he having for a long time made a client of the district and forced balances in the accounts.

Pleas for Leniency.

Stuart McNamara and D. W. Baker made strong appeals for leniency in his behalf. Mr. Baker said he appealed in his behalf not alone as his attorney, but as his personal friend, whom he has known for many years.

FRENCH DECLARE WAR  
ON AMERICAN COTTON

PARIS, Jan. 16.—The French Colonial Association is waging an extensive campaign against American cotton and for cotton growing in the French colonies of Madagascar, the Sudan and Doum, which, it is estimated, can produce 50,000 bales, sufficient to supply the French manufacturers.

## CLERGYMEN WOULD CORRECT SOME ABUSES

SCRANTON, Pa., Jan. 16.—Caribondale Protestant clergymen have sent out circular letters asking that certain funeral abuses be remedied.

They oppose Sunday funerals, want to be consulted about when funerals should be held, want absolute quiet at services and desire men to refrain from the use of tobacco in any form while in funeral processions.

## SMITH BUYS A FARM AND FINDS BURIED GOLD

HAMILTON, Ohio, Jan. 16.—Byrum Seward was stricken with paralysis suddenly thirty years ago when he died unable to tell anyone where he hid the money he was known to have.

Charles Smith bought the Seward farm and began tearing down the old house. In a chimney he found a jug containing \$2,000 in gold.

## JAIL-BREAKER RECAPTURED.

WILKESBARRE, Jan. 16.—Charles Ploutz, one of three men who escaped from the jail at Montrose last Sunday, was recaptured near Binghamton. The other two are still at large.

## MAKE PROTESTS ON SMOKE LAW

Prominent Citizens of the District Appear  
Before Senate Committee and Urge  
Modification of Existing Statute.

## LARNER SAYS LAW WAS PASSED FOR SMOKE-CONSUMER FIRMS

General Harries Recites Expenditure of  
\$50,000, and Other Troubles of the Potomac Electric Power Company.

The smoke law and the smoke nuisance in the District formed the subject of an investigation made this morning before the Senate Committee on the District of Columbia. Stirling protests against the law were made.

John B. Lerner and George H. Harries addressed the committee, and Commissioner Macfarland made a brief statement of the position of the Commissioners.

The Stewart bill, introduced at the last session, was taken as the basis of the discussion. This bill is as follows:

"That on and after the passage of this act the emission of dense or thick black or gray smoke or cinders for a continuous period of three minutes from any smokestack or chimney used in connection with any stationary engine, steam boiler, or furnace of any description within the District of Columbia shall be deemed and is hereby declared to be a public nuisance."

"Provided, That nothing in this act shall be construed as applied to chimneys of buildings used exclusively for private residences."

Several members of the committee manifested a very strong disposition to have private residences included in the operation of the law, as well as stores, apartment houses, manufacturing establishments, and the like.

Senator Mallory was emphatic on this subject and Chairman Gallinger expressed himself to the same effect.

Delegation Imposing.

The delegation of Washington business men was an imposing one, embracing many of those prominent in the commercial life of the District. It was headed by the committee named at the Saturday meeting to select a speaker, H. G. Jacobs, Charles F. Schneider, and Gen. George H. Harries, and was represented directly by John B. Lerner, who spoke in its interest.

The District Commissioners were on hand also to watch proceedings and answer any questions that were asked. They watched with some disapproval, for their attitude on the matter is well known. Commissioner Macfarland summed up their views when he said:

"The present law has worked so well it should not be amended, save by including locomotive and stationary engines in its provisions. It would seem to me absurd that the 154 possible serious offenders should be permitted to offend, for three-minute periods, with one-minute intervals through every hour of the twenty-four. Yet, this is exactly what the enactment of the Stewart amendment would mean."

Commissioners Not Agreed.

At the beginning of the hearing Senator Gallinger asked Commissioner Macfarland if the Commissioners had been able to agree upon their report as to the propriety of the Stewart bill. He said they had not. Engineer Commissioner Biddle said he had withheld the expression of his views pending the present meeting, so he might have the benefit of such new views as were presented.

Senator Gallinger said he had received a letter from a Mr. Oliver of Pittsburgh, who said there was no difficulty in preventing the smoke nuisance.

"I suppose," said the chairman, "that is the reason they have no smoke in Pittsburgh."

Senator Gallinger said he assumed the representatives of persons and capital present desired to observe the law.

Mr. Lerner then began the presentation of the argument in favor of the modification of the law. He said he was not in very good humor with the law, as he was fresh from the Police Court, where he had been required to deposit \$20 collateral, to answer for the appearance of a client charged with an infraction of the law.

Argues for Modification.

Mr. Lerner sketched briefly the history of anti-smoke legislation from the time of the passage of the smoke law, to the present day. The "stoker," of which so much has been said recently, was denounced by Mr. Lerner as a total failure. Mr. Lerner said the stoker had been tried by Woodward & Lothrop and had been entirely ineffective.

Mr. Lerner said the present law is impossible of observance, and makes habitual offenders of good citizens, who desire to observe their every duty to the community.

Humiliated in Court.

"I have been humiliated in the Police Court," said Mr. Lerner. "I would walk up to the bar to represent a client and right next me would be a common drunk. A smile would go around the court room and the audible comment: 'Another smoke—another drunk.'"

In Interest of Devices.

Mr. Lerner charged, in so many words, that the smoke law was carried through Congress in the interest of certain smoke-consuming devices.

"Six months were allowed before the bill was to go into effect. This was to permit the smoke devices to be installed.

They were installed and at the end of the six months it was found that not a single device would answer the purpose."

Mr. Lerner, answering a question of Senator Mallory, reiterated his belief that the inventors and owners of smoke consumers secured the adoption of the law by Congress.

"It looks very much like it," said Senator Mallory.

Mr. Jacobs, of Woodward & Lothrop, said the man who had installed the smoke-consuming device for his firm had claimed the credit for the adoption of the law.

"I don't know how much truth there is in the charge," said Mr. Jacobs. "I merely give it for what it is worth."

Mr. Lerner said private dwellings should be placed under the operation of the law.

"Public buildings," he said, "at least should be the citizens of Washington a good example."

Has Spent \$50,000.

General Harries, of the Potomac Electric Power Company, was the next speaker.

"I should be heard at great length," he said, "if my remarks are to be proportionate to the degree of my company's offending."

General Harries rehearsed the efforts of his company to prevent the emission of smoke. Money and time and careful thought, he said, had been lavished in these efforts, without, until lately, producing any material good. More than \$50,000 had been spent.

"I think this is a very unusual law," said Senator Mallory. "I would like to know what percentage of the smoke distributed over Washington is contributed by the buildings to which this law is made to apply, and what percentage of the public buildings and private dwellings."

"Much the larger percentage by the latter," said General Harries. "The Government buildings are quite lavish in their contributions," he continued.

Spoils President's Wash.

"The Treasury Department spoils the President's weekly wash every week."

"And you have to pay the bill," suggested Senator Gallinger.

"We have to pay the bill," agreed General Harries. "We would be very glad to pay the bill direct, but the President insists upon having the laundry done at home."

General Harries said he was in a position to prove that the Treasury Building, and not the powerhouse of his company, was responsible for the trouble at the White House.

Suggests a Remedy.

General Harries said his suggestion for dealing with the evil was six minutes intervals through every hour of the twenty-four. He would limit of three-minute periods during the day, the entire emission during twenty-four hours to one hour.

Commissioner Macfarland was invited to present the views of the District government, but contented himself with reading the extracts from the Commissioners' recent letter to the President. He said the report on the Stewart bill would be presented in the course of the next session.

Many Inspectors Required.

Health Officer Woodward said he did not believe the emission of smoke a menace to health. Senator Mallory asked how many inspectors would be needed to enforce the law literally.

"Why, a large number," was the answer.

"It would take almost one for every building," he said.

"Why, just about," was the frank answer.

Senator Stewart requested that a statement of the number and amount of fines collected in the Police Court for infractions of the smoke law be prepared and made a part of the record, and Commissioner Macfarland promised that this should be done.

At the conclusion of the hearing the chairman announced that further investigation of the matter would be placed in the hands of a subcommittee, consisting of Senators Stewart, Harlan, and Mallory. This subcommittee will begin the further consideration of the question after the Commissioners have made their report on the Stewart bill.

## ITALIAN BARK DRIVES ASHORE AT PALM BEACH

WEST PALM BEACH, Fla., Jan. 16.—An Italian bark, the name of which could not be learned, is ashore five miles south of Palm Beach.

Her crew of fifteen are safe, but the vessel is being beached to pieces by the waves. She sailed from Pensacola for Antwerp with lumber.

## WILL BE ASSISTANT DISTRICT SURVEYOR

M. C. Hazen will be appointed Assistant District Surveyor to succeed E. M. Talcott, who today assumed new duties as Assistant Engineer in charge of street extensions. Surveyor William P. Richards has recommended Mr. Hazen's promotion, and it is expected that the District Commissioners will approve it.

## HUMOROUS BURGLARS.

EDINBURGH, Jan. 16.—Some burglars at Greenock, unable to break open the lock of